

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

JOSIAH TIMOTHY SHIRLEY,

Petitioner,

Civ. No. 6:18-cv-01113-CL

v.

ORDER

BRANDON KELLY,

Defendants.

MCSHANE, Judge:

Magistrate Judge Mark Clarke filed a Findings and Recommendation (#40), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72. Although neither party filed objections, I reviewed the legal principles *de novo*. *United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1998). I find no error and conclude the report is correct.

Magistrate Judge Clarke's Findings and Recommendation (#40) is adopted. The petitioner (#1) is DENIED. A Certificate of Appealability is DENIED on grounds that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 13th day of May, 2021.

/s/ Michael J. McShane
Michael McShane
United States District Judge